

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

PARKERSBURG DIVISION

BRIAN LYNN CLINE,

Plaintiff,

v.

CIVIL ACTION NO. 6:12-cv-00690

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff's Complaint [ECF 1]. By Standing Order entered September 2, 2010, and filed in this case on March 13, 2012, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Stanley filed her PF&R (ECF 12) on January 24, 2013, recommending that this Court reverse the final decision of the Commissioner of Social Security, remand this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and dismiss this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need

not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.”

Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R in this case were due on February 11, 2013. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R (ECF 12), **REVERSES** the final decision of the Commissioner, **REMANDS** this case to the Commissioner for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and **DISMISSES** the Complaint [ECF 1], and **DIRECTS** the Clerk to remove this case from the docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 25, 2013



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE